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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NOHEMI LAZCANO,
Plaintiff,

v.

JOHN E. POTTER, IN HIS OFFICIAL
CAPACITY AS POSTMASTER
GENERAL,
Defendant.

NO. C05-3396 WHA

**STIPULATED REQUEST FOR ORDER
CHANGING TIME; DECLARATION
OF COUNSEL;
~~PROPOSED~~ ORDER**

Pursuant to Civil Local Rule 6-2, the parties hereby submit the following stipulated request for order changing time by which the mediation in this case must be completed. The current deadline for completing the mediation is April 11, 2006. The parties agree and request that the Court approve a mediation on May 31, 2006. This will permit defendant sufficient time to complete the requisite discovery

1 in order to ensure that the mediation will be as productive as possible.

2 Respectfully submitted,

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4 PRICE AND ASSOCIATES

KEVIN V. RYAN
United States Attorney

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6 Dated: April 6, 2006

/s/
P. Bobby Shukla
Attorneys For Plaintiff

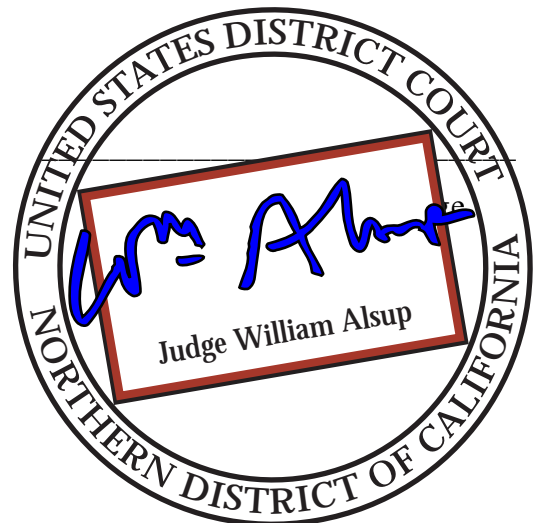
/s/
ABRAHAM A. SIMMONS
Assistant United States Attorney

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8 **PROPOSED ORDER**

9 Good cause appearing, the stipulation is approved. The mediation may occur as scheduled on
10 May 31, 2006.

11
12 4/10/06

13 Date



Declaration of Counsel

I, ABRAHAM A. SIMMONS, declare as follows:

1. I am an Assistant United States Attorney in the Northern District of California and I have been assigned to represent the government in the above-captioned matter. If called to testify I would and could competently testify as to the facts in this declaration.
2. This case was referred to mediation at the January 12, 2006, Initial Case Management Conference. According to ADR Local Rule 6-4(b), the deadline for completing the mediation, absent court order, is April 11, 2006.
3. The pre-mediation conference call in this case did not occur until March 30, 2006. The mediator is Greta W. Schnetzer. She explained to the parties during the call that there were delays in her receipt of the case.
4. At the conference call, the parties discussed the nature of the relief that would be sought and other aspects of the case. I came to the conclusion that I would not be able fairly to evaluate the positions that plaintiff was taking with respect to the relief she would be seeking at the mediation without first taking plaintiff's deposition. Further, I do not think it would be in the government's interest to take the plaintiff's deposition until after defendant receives responses to interrogatories and document requests. Although the paper discovery has been prepared, it is not yet due.
5. It will be possible to receive defendant's discovery responses, take plaintiff's deposition and then and conduct the mediation by May 31, 2006. The parties and the mediator all are agreeable to this mediation date.
6. Because it likely would be fruitless to attempt to mediate the matter earlier than May 31, 2006, I believe that extending the deadline for mediation until that date would help ensure that the mediation will be as effective as possible.

I declare under penalty of perjury under the laws of the United States that the above is true and accurate. Executed this April 4th day in April, 2006, in San Francisco, California.

/s/
ABRAHAM A. SIMMONS